

CHAPTER 7-03.1-11 FROZEN DESSERTS

Section

7-03.1-11-01	Frozen Desserts - Manufacturers and Processors Regulations
7-03.1-11-02	Microbiological Requirements for Ice Cream, Ice Milk, and Ice Cream Mix
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7-03.1-11-01. Frozen desserts - Manufacturers and processors regulations.

1. For the purposes of this chapter, frozen desserts include ice cream, ice milk, sherbet, soft serve, and any frozen dessert or ice cream mix containing dairy products.
2. Licenses are required for any frozen dessert or soft serve processor that packages, freezes, or adds flavors to ice cream mix. Establishments taking the product directly from the mix freezer and delivering it directly to the ultimate consumer are exempt from licensing.
3. All frozen dessert processors must be inspected once each six months at the direction of the dairy commissioner.
4. All new equipment utilized by frozen dessert processors must comply with 3A sanitary standards as defined in North Dakota Century Code section 4-30-01 or acceptable to commissioner. Modifications of plant processes for the manufacture of frozen desserts must be submitted to the dairy commissioner for review prior to installation or construction.
5. All raw milk and dairy ingredients used in processing frozen desserts must be pasteurized and must originate from plants approved by the United States department of agriculture, the food and drug administration, or state dairy department.
6. Sanitary requirements, at a minimum, shall comply with United States department of agriculture recommended standards for the manufacture of frozen desserts.
7. Samples must be collected by the dairy commissioner or the commissioner's appointed representative from each frozen dessert processor, at a frequency of four samples within a six-month period.
8. Samples must be handled in accordance with requirements of the latest edition of "Standard Methods for the Examination of Dairy Products" and those conditions

stated in 8.rth Dakota Century Code section 4-30-18. Samples must be tested at laboratories approved by the dairy commissioner.

History: Effective August 1, 1986; amended effective April 1, 1993.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-33, 4-30-35, 4-30-36

7-03.1-11-02. Microbiological requirements for ice cream, ice milk, and ice cream mix. The microbiological requirements for ice cream, ice milk, and ice cream mix are for frozen desserts, including artificially sweetened:

1. Ingredients - Raw milk and dairy products.
 - a. Milk - Maximum plant delivery temperature - forty-five degrees Fahrenheit [7.22 degrees Celsius] - Raw for pasteurization five hundred thousand per milliliter standard plate count.
 - b. Cream - Maximum plant delivery temperature - forty-five degrees Fahrenheit [7.22 degrees Celsius] - Raw for pasteurization eight hundred thousand per milliliter standard plate count.
2. Pasteurized dairy products.
 - a. Phosphatase - The phenol value may be no greater than the minimum specified for the particular product as determined by the phosphatase test of the latest edition of Standard Methods, or other tests approved by the dairy commissioner.
 - b. Coliform requirements.
 - (1) Frozen dessert (plain) - Coliform determination not more than ten per milliliter. Storage temperature not more than forty-five degrees Fahrenheit [7.22 degrees Celsius]. Bacteria count not more than fifty thousand per milliliter.
 - (2) Frozen dessert (flavored) - Meets all the requirements of subsections 1 and 2. Coliform determination, however, may not be more than twenty per milliliter.
3. Dry dairy ingredients. United States extra grade or better, unless otherwise approved by the dairy commissioner.

History: Effective August 1, 1986; amended effective April 1, 1993.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-33, 4-30-35, 4-30-36

7-03.1-11-03. Resampling. When a sample exceeds the microbiological requirements, the licensed operator must be notified in writing. An additional sample must be taken in not less than three days nor more than twenty-one days

from the notification. When two samples out of four consecutive samples are not in compliance, a warning must be sent. An inspection must be made at this time to determine sanitary conditions. When three out of five consecutive samples are not in compliance, sale of the product must be stopped until the test results are in compliance.

History: Effective August 1, 1986.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-33, 4-30-35, 4-30-36